
Transportation Committee

HB 1387

Brief Description: Providing investigative and corrective action procedures for state patrol officers involved in vehicle accidents.

Sponsors: Representatives Nixon, Flannigan, Dickerson, Shabro, Wood, Springer, Appleton, Murray, Hudgins, Upthegrove, Schual-Berke, Moeller, Campbell, Hunter, Kagi, Clibborn and Darneille.

Brief Summary of Bill

- Designates that an independent law enforcement agency will perform the investigation when a Washington State Patrol officer is involved in a serious accident.
- Establishes a vehicle corrective action process for Washington State Patrol Officers.
- Washington State Patrol officer when off duty is not exempt from traffic citations or other required enforcement actions.
- Designates the act as the "Brock Loshbaugh Act".

Hearing Date: 2/23/05

Staff: Jerry Long (786-7306).

Background:

The Washington State Patrol has approximately one thousand commissioned officers that perform various duties, which include but not limited to the policing of the state's highways and the investigation of vehicle accidents. Under current law, the Washington State Patrol Chief is responsible for the appointment of Washington State Patrol Officers, may remove them for cause, make promotional appointments, determine their compensation, and define their ranks and duties.

A law enforcement officer investigating the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed a violation of any traffic law or regulation. An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. Accident reports must be filed within four days of an accident resulting in injury, death, or property damage. Any police officer present at the scene of an accident or in

possession of any facts concerning an accident, whether by official investigation or otherwise, must make a police report of the accident.

Traffic infractions are sent to Department of Licensing to update driving records. Law enforcement officer's records are flagged with an "EX" if it is in the line of duty. By statute, traffic infractions occurring in the line of duty are not disclosed to insurance companies. The infractions are disclosed to courts, law enforcement, employers and maintained in the records at Department of Licensing.

Summary of Bill:

If a Washington State Patrol Officer is either on or off duty and is involved in a vehicle accident where: (a) The injuries require a paramedic or intermediate life support person; (b) a fatality; or (c) the damage to the vehicles requires the filing of an accident report, an independent Washington law enforcement agency must perform the investigation. In these circumstances, a drug and alcohol test will be given to all vehicle drivers, bicyclists, and pedestrians involved.

The Washington State Patrol will track accidents by the following categories: At fault and serious; at fault and not serious; not at fault and serious; and, not at fault and not serious. On or before the start of the legislative session, the Washington State Patrol will report to the Legislature on the number of officers in each vehicle accident category.

If an officer has any vehicle accident, the officer will meet with their district commander to review the accident and be provided retraining in the area of vehicle handling relevant to the accident to prevent future accidents. Provides for a corrective action process which is dependent upon the number, seriousness and frequency of accidents. Corrective actions range from vehicle handling retraining, for multiple accidents leave without pay, a probation period and discharge if another accident occurs during the probationary period. At the completion of the corrective action, the Chief will review, sign the documents and place them in the officer's personnel file. The Chief outside the corrective action process may make a decision to retrain, proceed with disciplinary action, or discharge the officer if trends and circumstances warrant immediate corrective action.

When a Washington State Patrol Officer is off duty, the officer is not exempt from traffic infractions and other law enforcement actions involving traffic laws or regulations. Traffic citations will be recorded at Department of Licensing following the same process for all other licensed drivers.

This act may be known and cited as the "Brock Loshbaugh Act".

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2005.